

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION**

YVONNE S. WALKER, ET. AL,)	Case No. 4:05CV00035
)	
Plaintiffs,)	
)	
v.)	<u>ORDER</u>
)	
)	
GARLAND DEAN WILSON, ET. AL,)	By: Jackson L. Kiser
)	Senior United States District Judge
Defendants.)	
)	

On May 8, 2006 Defendants Garland Dean Wilson and Charles W. Brinegar Enterprises, Inc. filed a Motion for Reconsideration [Dkt. No. 54] against Plaintiffs Yvonne S. Walker and Martin L. Taylor in the above-styled matter. A hearing was scheduled on this Motion for May 11, 2006, however that hearing never took place and no new date to argue the Motion was ever set. A Pre-Trial Order (“PTO”) for this case was entered by this Court on July 20, 2005 [Dkt. No. 7].

Paragraph five of the PTO states that it is the moving party’s obligation to either bring the motion for a hearing or, if both parties agree, to notify the Court that the motion is submitted on briefs. Paragraph five further states in bold and uppercase font that “any motion which is not brought on for hearing or submitted on briefs within 90 days from the date it is filed will be dismissed and the Court will not entertain a renewed motion of the same issue(s) except for good cause.”

Defendants have failed to comply with the plain language of the PTO by not setting a date for hearing their Motion or, alternatively, notifying the Court that the parties have agreed to

submit the Motion on briefs within 90 days of filing their Motion. Because more than 90 days have passed since Defendants filed their Motion, I must **DISMISS** Defendants' Motion.

The Clerk is directed to send a copy of this Order to all counsel of record.

Entered this 27th day of October, 2006.

s/Jackson L. Kiser
Senior United States District Judge